IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 369 of 1999

For Approval and Signature: sd/-

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KABABHAI KARSHANBHAI BHUVA

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

1. Appeal from Order No. 369 of 1999

MR PV HATHI for Petitioner No. 1

MR GIRISH D BHATT for Respondents No. 1-3

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 16/10/2001

ORAL JUDGEMENT

1. The appellant - plaintiff has challenged in this Appeal the impugned order dated 3.7.1999 passed by the learned Civil Judge (SD), Gondal, dismissing the Application Ex.5 in Special Civil Suit No.41 of 1999. Along with this Appeal, Civil Application No.7437 of 1999

is also filed for interim relief, but except the order of notice no other order is passed. However, the present Appeal was ordered to be admitted on 28.6.2000 and was fixed for final hearing on 18.7.2000. Somehow or the other it would not be heard till today.

2. Having regard to the peculiar facts and circumstances of the case I am of the considered opinion that this Appeal can be disposed of without going into the legality and validity of the impugned order passed by the trial Court by directing the learned trial Judge to decide the main Special Civil Suit No.41 of 1999 as early as possible to which the learned Counsel for the parties have no objection.

3. In view of the above, this Appeal is disposed of without going into the legality and validity of the order passed by the learned trial Judge with a direction to the learned trial Judge to decide the main Special Civil Suit No.41 of 1999 as early as possible and not later than 30th April 2002, as the electric connection of the plaintiff has been disconnected since more than 2 years. The parties shall fully cooperate with the final disposal of the Suit. The learned trial Judge shall proceed with the hearing of the Suit day by day.

As the main Appeal from order is disposed of, Civil Application No.7437 of 1999 will not survive. The same is accordingly disposed of.

sd/-

Date : October 16, 2001 (B.J.Shethna, J.)

sas